

RELATING TO EMERGENCY COMMUNICATIONS; AMENDING SECTION 31-4802, IDAHO CODE, TO ADD DEFINITIONS; AMENDING SECTION 31-4804, IDAHO CODE TO CLARIFY THAT COMMERCIAL MOBILE RADIO SERVICE SUBSCRIBER FEES ARE TO COLLECTED; AMENDING SECTION 31-4812, IDAHO CODE, TO CLARIFY THAT WIRELESS AND TELEPHONE LINE COMPANIES HAVE THE SAME IMMUNITY AND CONDITIONS OF LIABILITY; AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-4813, IDAHO CODE, TO IMPOSE A STATEWIDE 911 ACCESS FEE; AMENDING CHAPTER 48, TITLE 31, IDAHO CODE BY THE ADDITION OF A NEW SECTION 31-4814, IDAHO CODE, TO CREATE A STATEWIDE 911 FUNDING COMMITTEE; AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-4815, IDAHO CODE, TO CREATE A STATE 911 ACCOUNT; AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, AND BY THE ADDITION OF A NEW SECTION 31-4816, IDAHO CODE, TO PROVIDE FOR A STATEWIDE 911 COORDINATOR; AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, SECTION 31-4817, IDAHO CODE, TO PROVIDE ALLOCATION OF FUNDS.

31-4802. DEFINITIONS. As used in this chapter:

- (1) "Administrator" means the person, officer or agency designated to operate a consolidated emergency communication system, and to receive funds for such an operation.
- (2) "CMRS provider" means a cellular licensee, a personal communications services licensee, wireless carrier and certain specialized mobile radio providers providing Commercial Mobile Radio Service and designated as covered carriers by the Federal Communications Commission.
- (3) "Consolidated emergency communications system" means facilities, equipment and dispatching services directly related to establishing, maintaining, or enhancing a 911 emergency communications service and shall not include facilities, vehicles, personnel or equipment used for law enforcement and/or public safety purposes which are not directly related to the provision of emergency communications.
- (4) "Governing board" means the joint powers board, if the 911 service area is a multicounty area, or the board of county commissioners of the county or the city council if the 911 service area is a city, or both the board of county commissioners and the city council if the 911 service area includes both city and county residents but not the entire county.
- (5) "911 service area" means a regional, multicounty, county or area other than a whole county in which area the residents have voted to establish a consolidated emergency communications system.

31-4804. TELEPHONE LINE USER FEE. The telephone line user fee provided pursuant to the provisions of this chapter shall be a uniform amount not to exceed one dollar (\$1.00) per month per exchange access line, trunk line, network access register, CMRS subscriber, or equivalent, and such fee shall be used exclusively to finance the initiation, maintenance, or enhancement of a consolidated emergency communications system within the boundaries of one (1) county or 911 service area. The fee shall be collected from customers on a monthly basis by all telecommunications entities which provide local telephone line service within the county, or 911 service area, and may be listed as a separate item on customers' monthly bills. The telephone companies shall remit such fee to the county treasurer's office or the administrator for the 911 service area. From every remittance to the governing body made on or before the date when the

same becomes due, the telephone company required to remit the same shall be entitled to deduct and retain three-fourths of one percent (.75%) of the collected amount as the cost of administration for collecting the charge. Local exchange companies will be allowed to list the surcharge as a separate item on the telephone subscriber's bill, and shall have no obligation to take any legal action to enforce the collection of any charge, nor be held liable for such uncollected amounts.

31-4812. IMMUNITY AND CONDITIONS OF LIABILITY IN PROVIDING EMERGENCY COMMUNICATIONS SERVICE. In order to further the purpose of this chapter, and to encourage the development of consolidated emergency communications systems, the legislature finds that telephone companies, wireless providers, or telecommunications entities providing consolidated emergency communications systems and related services shall not be subject to liability in conjunction with providing such services except on the terms stated below.

(1) No telephone, wireless provider or other telecommunications entity ~~company or telecommunications provider~~ shall be liable to any person for the good faith release to emergency communications system personnel of information not in the public record including, but not limited to, nonpublished or nonlisted telephone numbers.

(2) A local exchange telephone company, wireless provider, or other telecommunications entity providing emergency communications systems or services, and its employees and agents, shall not be liable in tort to any person for damages alleged to have been caused by the design, development, installation, maintenance or provision of consolidated emergency communications systems or services, unless such entities or persons act with malice or criminal intent, or commit reckless, willful and wanton conduct.

(3) For the purposes of this section, "reckless, willful and wanton conduct" is defined as an intentional and knowing action, or failure to act, creating an unreasonable risk of harm to another, and which involves a high degree of probability that such harm will result.

31-4813. STATEWIDE 911 ACCESS FEE.

(1) There is hereby imposed a statewide 911 access fee which shall be twenty-five cents (\$0.25) per month. The statewide 911 access user fee shall be collected from each customer of all telephone/CMRS providers.

(2) The statewide 911 access fee shall be collected on a monthly basis by telephone/CMRS providers at the user's billing address in this state. The amount of the fee may be separately stated on the billing statement sent to the user. No telephone/CMRS providers shall be required to take any legal action to collect the statewide 911 access fee and shall not be liable for uncollected amounts.

(3) The telephone/CMRS providers may retain three-fourths of one percent (.75%) of the statewide 911 access fees collected each month for the cost of administering and collecting the fee. The telephone/CMRS providers shall remit the balance of the fee to the state 911 account on a monthly basis.

31-4814. STATE 911 FUNDING COMMITTEE.

(1) There is hereby created a state 911 funding committee. The committee shall be composed of one (1) representative from telephone line companies, one (1) representative from CMRS provider companies, one (1) sheriff, one (1) emergency medical services provider or administrator, one (1) city representative, one (1) representative of fire service, three (3)

governing board members (one (1) from northern Idaho, one (1) from southwestern Idaho, and one (1) from southeastern Idaho). The director of the department of administration or the director's designee shall also serve on the committee as a non-voting member, and shall act as the chair of the committee.

31-4815. STATE 911 ACCOUNT.

The state 911 account is created in the state treasury and shall be separate and distinct from the general fund. All moneys deposited in such account are hereby continually appropriated for the purposes of the state 911 funding committee. All earnings on investment of moneys in the account shall accrue to that account.

31-4816. STATE 911 COORDINATOR.

(1) The state 911 coordinator shall be the director of the department of administration or the director's designee.

(2) The state 911 coordinator shall distribute funds in the account as directed by the statewide 911 funding committee.

(3) The state 911 coordinator shall be the liaison between the state 911 funding committee and representatives of 911 service areas and representatives of county and multi-county areas without 911 service for the purpose of creating, enhancing and maintaining 911 service areas.

31-4817. ALLOCATION OF FUNDS.

(1) Any county or multi-county area may seek funds from the state 911 account, and must submit a plan to the state 911 funding committee that shall detail how the county or multi-county area will implement 911 services in the most efficient and effective manner possible and shall include a proposed implementation schedule and estimate of costs. The documents shall be submitted on forms developed by the state 911 funding committee.

(2) Funds will be distributed based on the decision of the state 911 funding committee. The state 911 funding committee will consider the following factors in making a decision:

(a) The nature of existing and planned 911 services in a county or multi-county area;

(b) Funds for consolidated emergency communication systems will generally be allocated first to a county or multi-county area without 911, then to a county or multi-county area which has some 911 capabilities.

(3) The state 911 funding committee may use such funds as are necessary to administer the state 911 account.